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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/504,813	05/12/2005	Hiroki Sadato	FA/250	2396

7590 09/12/2007  
Gore Enterprise Holdings Inc  
551 Paper Mill Road  
P O Box 9206  
Newark, DE 19714-9206

EXAMINER
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SINGH, ARTI R

ART UNIT	PAPER NUMBER
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1771

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/504,813	<b>Applicant(s)</b> SADATO ET AL.	
	<b>Examiner</b> Ms. Arti Singh	<b>Art Unit</b> 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/04/05</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, drawn to a laminated fabric.

Group II, claim(s) 9-13, drawn to a laminated fabric further comprising a seam tape.

Group III, claim(s) 14-15, drawn to the process of preparing a garment.

2. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The seam that is required by Group II is not required by the claims of Group I, and the claims of Group III could be produced by a materially different method and not require a seam tape for sealing and just heat set the edges together.

3. During a telephone conversation with Ms. Carol White on 09/11/06 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-8.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 9-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2006/0205306 (see continuing data for the date) in view of JP 2002-20916A issued to Gore and Associates.

7. Rock et al. disclose air permeable composite fabrics comprising an inner fabric layer, and outer fabric layer and an intermediate vapor barrier layer. The vapor barrier layer is selected from an adhesive material or a combination of an adhesive and a membrane (abstract and 0008). The adhesive may be a continuous or discontinuous film and can be applied to one or both sides of the fabric layers [0009]. Therefore, this meets applicant's structural limitation of their composite of a face textile, an adhesive, a film, another adhesive, and then finally another textile layer. The vapor permeable layer, which is equivalent to Applicant's film, layer may be polyurethane, polyamide, polyester or polytetrafluoroethylene or a combination thereof and is found between the fabric layers [0011]. The adhesive may chemically be polyurethane, acrylics, polyamides, polyester [0013]. Rock et al. do not disclose that the film is further coated with a water and oil repellant agent or if the fabric or textile layers are in fact woven or knitted or if the adhesive is a water soluble adhesive.

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JP 2002-20916A issued to Gore and Associates teaches a woven or nonwoven glove, which has an intermediate layer of a PTFE film as shown in [0006]. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used a woven fabric as the textile layer in the invention of Rock et al., motivated by the reasoned expectation of using a fabric that provides uniform strength and is durable.

Gore et al also teach that their film layer has an additional coating of a water and oil repellant polymer [0024]. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the coated film of Gore et al. in the invention of Rock et al., motivated by the reasoned expectation of providing a composite that prevents aqueous and oily staining substances from getting to the film layer [0025].

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2006/0205306 (see continuing data for the date) in view of JP 2002-20916A issued to Gore and Associates. as applied to claims 1-7 as set forth above, and further in view of JP 6-61909A also issued to Gore and Associates.

9. Rock et al. and Gore and Associates teach what is set forth above but do not specifically teach that the adhesive that is employed is a temporary water soluble adhesive. This is remedied by JP 6-61909A also issued to Gore and Associates. This invention teaches laminated fabrics and film, which are windproof and moisture permeable, which utilize water-soluble adhesives. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the water soluble adhesive as taught by Gore and Associates in the combination of Rock et al. and or Rocket al and JP 2002-20916A. One would have been motivated to do so in order to allow the composite to separate

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the layers once sewn, thereby allowable the composite to be more comfortable and pliable (see page 3).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-T 9-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ms. Arti Singh  
Primary Examiner  
Art Unit 1771

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